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The Opinion

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# THE OPINION



Vol. 24:9

STATE UNIVERSITY OF NEW YORK AT BUFFALO SCHOOL OF LAW

March 2, 1984

## SBA Passes Environmental Policy Resolution

by Andy H. Viets

Under its recently adopted Bylaw 14 covering Special Resolutions, the Student Bar Association on February 9, 1984, passed such a resolution opposing the burial of low-level radioactive wastes. In the resolution, the SBA contends that current methods of disposal are inadequate and that the wastes can be kept in above-ground concrete or steel containers for temporary storage. The SBA concludes by stating that "the State University of New York at Buffalo Student Bar Association of the Faculty of Law and Jurisprudence opposes the unsafe burial of radioactive wastes and supports the study of above-ground storage techniques."

The resolution passed easily, though not before second-year student Ted Araujo vehement-

ly opposed it on procedural grounds. Araujo, who is not a member of the SBA, based his argument on a paragraph in Bylaw 14 which states that "Special Resolutions shall be posted in full on the SBA office door and SBA bulletin board before noon, at least 24 hours prior to any meeting in which the resolution is adopted." Before adopting the resolution, the SBA approved the deletion of a phrase from the resolution that was posted. The deleted line referred to reducing the production of radioactive wastes, thus going beyond the thrust of the body of the resolution which dealt only with the disposal of such wastes. Araujo claimed that this deletion changed the resolution that was originally posted, so that the amended resolution should have been subjected to the 24 hour posting rule of Bylaw 14.

SBA President Greg Phillips, as well as other members of the SBA, countered this argument by stating that it is an understood characteristic of any parliamentary organization that it has the right to amend a resolution before voting on it. Bylaw 14 itself is mute on the issue. Despite Araujo's objections, the SBA proceeded to pass the resolution.

After Phillips adjourned the meeting, Araujo continued his attack on what had just transpired. It was at that time that Phillips, commenting on the day's proceedings, asserted that he was convinced that Araujo had no legitimate argument. Phillips was willing, however, to entertain the idea of posting, along with any future SBA special resolution, a statement that the SBA, during the meeting in which the resolution will be voted on, might amend the resolution to something quite different than what is actually posted.

## Text of Resolution

SPECIAL RESOLUTION OPPOSING BURIAL OF "LOW-LEVEL" RADIOACTIVE WASTE

WHEREAS we are residents of Western New York concerned for our own safety and the safety of our community;  
WHEREAS we desire only the safest method of disposal for potentially dangerous materials in our community and any other;  
WHEREAS the most toxic and long-lived sources of "low-level" radioactive waste are nuclear reactors and nuclear weapons operations;  
WHEREAS shallow land burial of "low-level" radioactive waste is inadequate;  
WHEREAS three of six disposal sites have closed at Maxey Flats, Kentucky, Sheffield, Illinois, and West Valley, New York;  
WHEREAS these sites are inoperable because of water infiltration into the burial ground, erosion of the land and migration of radioactivity;  
WHEREAS this radioactive material will be hazardous for a minimum of 300 years and must be prevented from reaching the environment through soil, water, and air during its radioactive life;  
WHEREAS transportation of "low-level" radioactive waste is an expensive and potentially dangerous activity;  
WHEREAS membership in the Northeast Compact may not be the most advantageous option for New York State;  
WHEREAS these wastes could be kept in aboveground concrete or steel containers for temporary storage;  
WHEREAS this body has been made aware of the long term hazards of burial of "low-level" radioactive waste to human health and the environment;  
THEREFORE BE IT RESOLVED that the State University of New York at Buffalo Student Bar Association of the Faculty of Law and Jurisprudence opposes the unsafe burial of radioactive waste and supports the study of above ground storage techniques.

## U/B Hosts Seminar On New Model Rules

by Victor R. Siclari

The Erie County Bar Association and State University of New York at Buffalo Faculty of Law and Jurisprudence sponsored a seminar on "Ethics in an Adversary System" in the Moot Courtroom on Saturday, February 11.

Part of the seminar was a presentation by Hofstra University Professor of Law Monroe H. Freedman, entitled "The New Model Rules of Professional Conduct: Are They Right for New York?" Professor Freedman, the most widely known commentator on ethical questions faced by defense attorneys, was a recipient of the American Bar Association's Gavel Award in 1976, and is the author of a book *Lawyer's Ethics In an Adversary System* and of many articles in law journals.

All first-year law students were required, and other law students were encouraged, to attend this Ethics presentation because of its importance and relevance to any law student's future conduct as an attorney. The main issue discussed at the seminar was how the adoption on August 2, 1983, of the ABA Model Rules of Professional Conduct failed to resolve the conflict among the attorney's obligation to provide effective legal counsel, the confidentiality of the attorney-client relationship, and fundamental principles of the U.S. Constitution.

The ABA Model Rules of Professional Conduct are an attempt to formulate standardized rules of ethical conduct, but they have no legal effect whatsoever unless they are adopted by the judiciary or legislature in each jurisdiction. So far, only Virginia has adopted them in their present form. New York has indicated that it will not adopt the new rules as they now stand because of the inconsistencies and ambiguities.

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## Research & Writing System Commended, Criticized

by Dave Marcus

The Law School is midway through its latest change of the first-year curriculum. The experiment—assigning Research and Writing classes to clinic instructors—has so far met with mixed reaction.

Prior to this spring, students had the same upperclass teaching assistant (TA) for both semesters of Research and Writing. This year, however, the TA's only taught fall classes; the full-time clinic faculty has been assigned to instruct them in the spring. According to R. Nils Olsen, Director of Clinical Education, clinical instructors will continue to teach Research and Writing in the spring only, with TA's teaching classes in the

fall.

Each clinical instructor is teaching two classes of approximately twenty students each. In addition to supervising the writing of research memos and briefs, the instructors in the spring semester must supervise and judge oral argument.

**Pro**

Olsen commented that assigning clinical instructors to teach Research and Writing demonstrates a commitment of the Law School to skills training. He added that clinical instructors are skilled lawyers as well as teachers. Explaining that while TA's are "dedicated and hard working," clinical instructors represent an "upgrading" of the first-year instruction.

Olsen further noted that clinical instructors are not getting paid any extra money for teaching Research and Writing.

Ron Hager, who teaches the Education Law clinic in addition to his Research and Writing duties, says the new system is working well and would like to see the same format repeated next year. "I enjoy it. It's fun to teach something different," Hager commented. He noted that one advantage of having clinical instructors teach Research and Writing is that they are more experienced than second or third year

students.

First-year student Art Scinta agreed, commenting that "it's like having a full professor for the course instead of a TA."

**Con**

Not everyone agrees that the new system is preferable, however. One area of concern is that classes are now larger and more formal than they were when conducted by TA's. The fall classes generally consisted of about fifteen students.

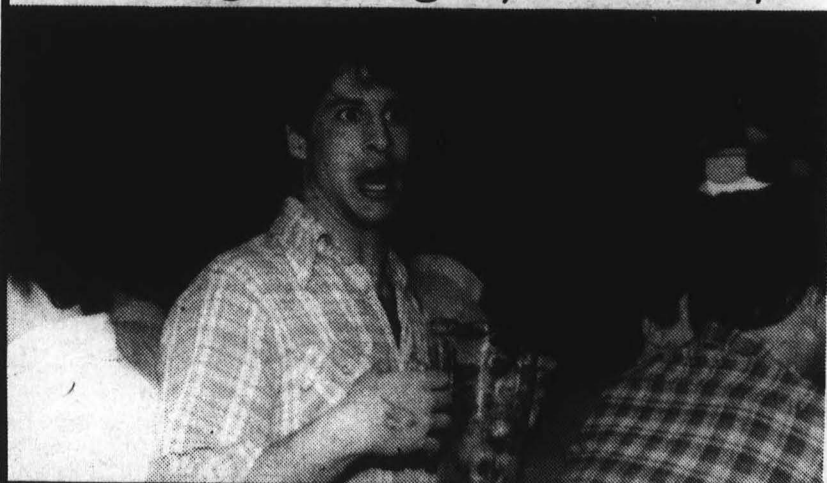
Paul McGrath, a TA last fall, stressed that individual attention is the key to research and writing. He stated that larger classes are detrimental since students lose the benefit of the one-on-one relationship. "Student TA's gave first-year students an intermediary between themselves and professors," McGrath explained. He added that this interaction helped reduce first-year students' fears.

One first-year student, who asked not to be identified, agreed. "It's that much harder to communicate on a personal level to a large group," he noted, adding that TA's have more in common with first-year students and can relate to their problems better than clinical instructors can.

A second criticism of the new system is that clinical instructors are too strapped for time to commit their full

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## Counting the Eighty-Four Days



The Commencement Committee's 84 Days party was one to remember. Please turn to page 7 for more pictures.



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**Editorial**

## You've Got the Clue To Solving Jobless Blues

As the spring semester meanders towards the midway point, many student denizens of John Lord O'Brian Hall can be heard discussing, in tones alternatively panicky and depressed, the Job Situation. While some of our classmates have found temporary or permanent jobs, there are many others who have been less fortunate in the job search. The unemployed among us can be heard to complain not merely about Fate, luck and the tight job market, but about that office on the third floor called "Career Development."

At issue here is a fundamental misconception that students have regarding the role of the Career Development Office (CDO). It does not exist to find us jobs. Instead, its role is to provide us with the information and resources we need to find jobs on our own, and to improve relations between the Law School and the legal community.

CDO has spent much time and effort this year on various programs designed both to help students in their career considerations and to improve ties to the local Bar. Two programs—One-To-One and the "Information Panel" series—are particularly noteworthy. The One-To-One program, which matches students to local attorneys, is an excellent opportunity which students must not dismiss. The participating practitioners have agreed to spend valuable time introducing students to the daily routine of their offices and answering questions. The U/B Law students who participated in it last year wrote enthusiastic comments to CDO describing their experiences, and commending the attorneys who went out of their way to make sure the student visits were worthwhile. The Career Information panels, on topics ranging from public interest to corporate law, have brought panels of attorneys on campus to lecture and to answer similar questions in a different setting. They, too, provide invaluable introductions both to areas of law and to those who practice in them.

Both the One-To-One Program and the Career Information panels have been successful from one standpoint—a large number of local attorneys have been willing to donate time to participate in them. Student response, however, has been less than enthusiastic. Almost five times as many attorneys as students are willing participating in One-To-One to date. Likewise, the Career Information panels have thus far been poorly attended, particularly considering that more than 800 students attend this law school. What impression can the local Bar be expected to get of our law school, when less than a dozen students attend an information panel, or if lawyers sign up to participate in One-To-One, yet students don't? Certainly not as good an impression as could be made if students, instead of complaining about what CDO is not doing for them, participated in its programs.

There are, no doubt, many students who would have availed themselves of CDO's informational opportunities if programs such as One-To-One and the Career Information series had begun earlier in the year. There is widespread feeling among the law student body that CDO caters to a too-small segment of the second-year and third-year classes, and that it's too late to take advantage of CDO's more general career development services by the time Fall recruiting is over. We must admit that there is merit in the frustration that such students express. We do not believe that CDO is being partial to the top 10 percent of the class, nor do we begrudge the selective employers their selectivity. We are, however, a bit concerned with the passiveness of CDO's egalitarianism. Perhaps the office could spend less time scheduling 20-minute interviews in September and October (the Buffalo firms could, after all, give first interviews at their offices), and more meaningful time scheduling and broad-based presentations that have thus far been confined to the post-recruiting months.

Nevertheless, we hope that students in the future will think before they complain. Improving ties between the Law School and the legal community as a whole can only serve to benefit both students and the Law School in the future. In addition, obtaining information about different aspects of legal practice while still in school can help students make informed career choices. This isn't a fancy law school, and not many employers are banging on the doors to hire us, as we all well realize. The programs are here to help us out, and we should take advantage of them.

**President's Corner**

## Update On SBA Functions

by Greg Phillips

Hello once again from your student government, the Student Bar Association. By the time you read this, February will have mercifully thawed into March and we will all begin to be increasingly distracted by the warmer Spring weather and/or the NCAA basketball tournament. At least I hope so. In any event, the pace of activity within the SBA and its various clubs and committees is already increasing, and I will, therefore, attempt to bring up to date with some of these events that have occurred, and some that are planned.

**Resolutions**

The SBA has taken a few more public positions since my last report. On January 26, the SBA Board adopted a resolution opposing Governor Cuomo's plan to increase tuitions throughout the SUNY system. The full resolution appeared in the February 15 issue of *The Opinion*. Copies of the resolution were sent to the appropriate State officials.

On February 9, the Board adopted a resolution opposing the burial of low-level radioactive waste, particularly at near-by West Valley, N.Y., based on safety considerations. (More about this resolution appears elsewhere on page 1.) The resolution, proposed by Paul Mitchell, President of U/B Law's Environmental Law Society, is based on a draft

resolution suggested by the Sierra Club's Radioactive Waste Campaign, and calls for consideration of other storage techniques for these highly toxic materials. The resolution was the basis for Heidi Siegfried's testimony before the State Energy Office hearings, held downtown on February 15. Thanks to Paul for the proposal, and to Heidi for caring enough to take the time to appear at the hearing.

**Social**

The onset of the Spring semester has brought forth the usual bevy of SBA sponsored social events. The annual Three Coins Party was held February 3. I think it's fair to say that most people seemed to have a fine time, at least until the "Friday Night Video Fights" unfortunately broke out somewhere around 2 a.m. Student Relations Board for Hopefully, this unnecessary occurrence won't make this the last annual Three Coins Party. I hope not. Anyway, thanks to all who sat at the door and helped to collect the admission charge, and to Jill and the rest of the Social Committee for organizing this successful event.

The '84 Days Party (is it really coming down that fast!?) was held at Rooties on February 23.

Finally, thanks to Anne Carberry and Peter Russ, the Law School intramural volleyball league is again in full swing. Matches are held on Monday evenings in the Alum-

ni Arena. The preseason favorite to win the championship case of Michelob Light is once again the well-drilled, if somewhat overcoached, squad led by Anne Carberry. Just kidding, Anne.

**Student-Faculty Committees**

I'd like to thank the student members of the various Student-Faculty Committees for their work so far this year. I'd like to particularly single out two committees. The Appointments Committee, with student members Tom Bantle, Louise McMillan, Ed Peace and Charlotte Sibley, invested much time and effort in meeting with prospective faculty members and scheduling open interviews for interested students to do the same. Thanks also to the students on the Faculty-out somewhere around 2 a.m. Student Relations Board for their ongoing work, particularly in regards to the proposed Academic Discipline rules.

**1984-85 Budget**

All student organizations should presently be drawing up their proposals for next year's budget. The forms are available in the SBA office and are due back to the Finance Committee by March 9, with hearings to follow.

**Meetings**

Finally, I once again invite all to attend the SBA Board Meetings, held each Thursday at 5:30 p.m. in the first floor lounge. We want to hear from you. Until next time.

Don't miss

## LAW REVUE

Friday, March 2, 1984 7:30p.m.

at St. John Maron's Church Hall

Wehrle & Youngs Rds., Amherst

near E.C.C. North,

watch for maps in mailroom

## Spring Thaw

at the Niagara Hilton  
Friday, March 30, 1984

Cocktails at 7:30pm

Dinner at 8:30pm

Dance Music Provided by Jack Freedenberg & friends

Tickets on Sale March 5, 1984 in front of Library

\$15.00 per person without Entertainment Card

\$13.00 per person with Entertainment Card ★

★ limit 2 tickets per Ent. Card



# CDO Panels Present Practice Perspectives

by Mary Ellen Berger

Say you want to be a lawyer, but aren't sure what kind of work you would find to be the most rewarding, least boring, most lucrative, or least paternalistic. Wouldn't talking to practitioners from various fields be the most logical way to learn what "lawyering" is really all about? The Career Development Office (CDO) thinks so, and is offering U/B Law students a series of career information panels to educate students on the realities of the job marketplace.

On Tuesday afternoon, February 21, members of a panel entitled "Perspectives on Criminal Law Practice" presented four distinct viewpoints on prosecuting and defending persons charged with committing crimes. Each speaker explained how she/he had worked up to her/his present job, outlined the duties that job entailed, and offered honest opinions on the job's advantages and disadvantages.

Speaking for the prosecution were Richard Maigret, Assistant District Attorney and Bureau Chief of the DWI Task Force for Erie County, and Kathleen Mehlretter, Assistant U.S. Attorney and Bureau Chief of the Criminal Section for the Western District of New York.

Maigret and Mehlretter each worked for several years and had extensive trial experience before transferring into their present positions in the public sector—Maigret as a public defender and Mehlretter as a staff attorney for the Department of Justice. Both advised any student who is interested in litigation to take courses in Criminal Procedure, Evidence, Trial Technique, and Negotiations, and to aggressively pursue an internship or employment with their or another office while in school, in order to gain invaluable experience for and insight into one's prospective career.

According to Maigret, learning "issue orientation" is the key to acquiring successful employment skills. The ability to spot the issues involved in a particular case, research them thoroughly, and then argue them in a motion, or at a trial or hearing, is essential to all litigators and must be developed while in law school.

In response to a question from the audience, Maigret stated that only one of the seventy-five attorneys in the District Attorney's office is black, but added that "minority students applying to our office would have a much better chance than a non-minority" of securing an internship or similar position.

## The Defense Never Rests

Speaking for the defense at the February 21 Career Information Panel were Helen Zimmermann, Public Defender with the Buffalo Legal Aid Society, and Herbert Greenman, member of the Buffalo firm of Palmer, Greenman and Hurley.

Helen Zimmermann worked as a full-time volunteer for five months before being hired at her office, which is staffed by nine attorneys who represent approximately 80% of all persons arraigned in City Court in Erie County on non-felony charges. Zimmermann stressed such challenges of being a public defender as time constraints between meeting and actually representing your client, and pressure from judges to move the trial calendar along, but exuded enthusiasm about her work and the camaraderie which propels the staff. "Our work is never boring, and it's safe to say that we'll never have a lack of clients," claimed Zimmermann.

Herbert Greenman interned at the Erie County District Attorney's office while a student and later served as an Assistant District Attorney in the organized crime section,

before becoming a full-time criminal defense attorney. According to Greenman, the best work experience right out of law school is being a prosecutor, because you "learn to put a case together."

Greenman, who is one of a handful of criminal defense practitioners in the Buffalo area, specializes in representing clients who are accused of drug-related offenses. The demand for such specialists is rapidly growing in the southern and southwestern United States, claimed Greenman, "thanks to Reagan's holy crusade against drug dealing." Greenman pointed to a trend in Florida where defense lawyers are themselves being arrested for drug- and racketeering-related activities, and warned all students to remember "to be professional and ethical. Don't let the glory and glamour of the job make you forget that [a lawyer is] an officer of the court."

Among Greenman's advice to would-be criminal defense practitioners was: be prepared to be "married" to your job; learn to be comfortable speaking in front of large groups of people; and, above all else, **always** get your retainer fee "up front," before putting a lot of work into the case.

"You have the best chance of being a good criminal attorney if you qualify as 'Type

A' behavior," asserted Greenman. "You have to be a workaholic and egotistical."

## Practice Settings

On Wednesday, February 22, the CDO sponsored another excellent Career Information Panel entitled "Practice Settings: How Law Firms Operate Within Different Structures." The first speaker was Timothy Leixner, a member of the Buffalo firm Jaeckle, Fleischmann and Mugel, who outlined the bureaucratic structure of his 55-attorney office and explained the hiring procedures conducted at U/B Law. Leixner stated that his firm affords newly-hired associates initial "flexibility" in choosing among its corporate, tax, labor, real estate, trust and estates, and litigation departments, but added that specialization is ultimately advised since it results in greater remuneration and the highest levels of expertise.

In response to a question from the audience, Leixner said that there are no minority attorneys employed at his firm.

Raymond Barr, a member of the 17-attorney Buffalo firm of Albrecht, Maguire, Heffern & Gregg, also stressed the need for specialization in today's legal job market. Barr, however, asserted that the "medium-sized" law firm such as his offers new associates

"broad exposure" to many areas of practice, and that some "overlapping" of that firm's areas of specialization is inevitable given its size.

According to Barr, a student who interviews with a law firm should demonstrate both interest in that firm and concern for his/her long-term career goals by asking certain basic questions: (1) What kind of training/education does your firm provide a new associate?; (2) How long must I wait to be made a partner, and what criteria are used to determine offers of partnership?; (3) How fast is your firm growing, and what are its plans for the future?; and (4) How can I expect my salary to increase?

The next panel presentation was given by Richard Gordon, a member of the Buffalo firm of Ange, Birzon, Gordon, Rosa and Zakia. The seven attorneys—three of whom are women—at Gordon's firm handle only matrimonial matters, each attorney having a "specialization" in one area of the practice such as motions and hearings, discovery, or trial work. Gordon stressed numerous advantages which the "small firm" atmosphere offers: "meaningful contact" with other lawyers in the firm, a "sharing of problems and expertise" within the office, "informal but fast"

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## Public Law Careers Information Available

by Andrey Koscielniak

Earlier this month I attended the New York University Law School Public Interest/Public Service Legal Careers Symposium held in New York City. Without a doubt, it was the most useful career information program that I have ever attended. I am only sorry that geographic location prevented SUNY/Bufalo students from being there. However, I took notes, picked up materials, and talked with employers about the Buffalo Law School. So far, these are the results.

1. Job Postings. Approximately twenty positions have been posted as the result of comments made by panel members or employers I met at the information tables.

2. Handouts. I brought back descriptive literature or publications from a number of organizations which are interested in making students aware of that group's existence. Although some of these organizations are not recruiting at the moment, you

should check into those for which you would be interested in working.

3. A Career Information Program. I have sorted through the material presented at the Symposium and condensed it into a short talk which I will present on **Wednesday, March 7 at 3:30 p.m., Room 107**. There definitely are positions available in the public interest area, but the method for finding them needs to be considered. At the meeting on March 7, I will discuss the approaches suggested by the panel speakers at the Symposium.

4. Friends. In addition to meeting employers who were unfamiliar with the SUNY/Bufalo Law School, I met employers who not only knew about Buffalo but were enthusiastic about the school. Their support was based on having a SUNY/Bufalo graduate in their employ, hearing about SUNY/B students in other divisions of their organization, or having attended Buffalo as an undergraduate.

## Law Review Competition To Be Discussed

The *Buffalo Law Review* invites all first-year students interested in participating in the annual casenote competition to attend an informational meeting Wednesday, March 7 at 2:30 in Room 106. Associates will discuss the details of the competition, distribute additional information which may prove helpful to participants, and provide an overview of Law Review membership. The competition will be held at three different times over the coming months: during the mid-semester break, shortly after school resumes, and after the examination period. Registration will take place in the Law Review office, Room 605, between 12:00 and 2:00 p.m. on March 14-16, April 4-6 and May 12-14.

The *Buffalo Law Review* is a professional journal published

three times a year by students of the law school. Its purpose is two-fold: to select and publish significant student and professional contributions to legal scholarship, and to provide students with an environment conducive to completely independent academic research.

Participation in the competition is necessary for Law Review candidacy. Each competitor is referred to a recently decided case dealing with an area of law covered in the first-year curriculum. The competitor is given ten days to write a short (no longer than eight-page) paper reviewing the facts of the case, identifying the important issues it presents, and analyzing the court's decision. Each "casenote" will be read by many Law Review members

over the summer and will be judged for substance, writing ability, and form.

The *Law Review* uses two methods to determine which candidates will be offered law review membership. Most offers are extended pursuant to the first method, by which the average score for each candidate's casenote is weighed equally with his or her first-year grades. The casenotes of the candidates who are not selected through this method are then reconsidered as the sole criterion for Law Review membership—i.e., regardless of the candidate's grades. Since, under either method, a superior casenote can compensate for average or low grades, the *Buffalo Law Review* strongly encourages any interested student, regardless of academic standing, to enter the competition.

**Wednesday, March 7th at 3:00p.m.**

**Room 107**

**Audrey Koscielniak**

**from CDO**

**will give a talk on Public Interest Legal Careers.**

**Included will be a report on the**

**Public Interest/Public Service Symposium**

**recently held at New York University.**



# Up Before Dawn: Story of a Sunrise Seizure

by Marty Smalline

At seven o'clock on the morning of February 21st, lights shone onto the bed of Tom McNulty of 21 Minnesota Avenue, Buffalo. He heard the sound of a voice calling out his name from within his room; it irked him from his sleep. Tom was taken from his bed, ordered to dress, and led down the stairs to the street where officers handcuffed him to a squad car. Meanwhile, Buffalo Police conducted a search of his possessions. Cars rolled by Tom in the early morning light, many slowing down in interest as he came into view. When the search was complete, the police took Tom to the Central Booking Station in downtown Buffalo.

Does this scenario seem reflective of the last stage of a most serious investigation? Was Tom suspected of a narcotics violation or of possessing stolen property? No, the police did not raid Tom's premises in connection with a felony, or even a misdemeanor. He instead left the booking station holding an "appearance ticket" which read, "violation of Ch. 12 Sub. 39 City of Buffalo Ordinance; Limits of Height and Occupancy of Frame Dwellings." Tom had unknowingly violated a provision of this section which provides that "no living or sleeping rooms shall be

located in the attic story." At about the same time, several other student residents of the University District (near the Main Street Campus) faced similar treatment in similar situations.

Tom may take solace in that the violation charged is no more serious than that of a traffic violation; however, Tom will not easily be consoled for the treatment that he received. One hour after Tom's release from central booking on February 21, he described the events that had preceded the early morning seizure, exposing an investigation of at least two weeks which closely resembled that of a criminal investigation. Tom described a visit by two women who had purported to be answering an ad in the paper for two rooms that were available for rent at his home. Dressed in casual attire and claiming to be University students, the women accepted Tom's hospitality, touring the home from top to bottom asking questions which Tom readily answered. As Tom was led down to the street on the morning of the 21st he recognized his female acquaintances, this time dressed in blue.

## Student v. "Residents"

The first of a myriad of questions that must be asked is why Tom, a chemistry major at U/B, was seized in such a way for this violation. Shouldn't the

true responsibility in the University Heights district rest with the landlord, who provides an inhabitable attic for students who are unaware of legalities? A police spokesman had stated on television simply that the students must be gotten first, and from there the police would get the landlords. This evasive answer does little in indicating why students must be implicated to enforce the building ordinances of this City, when the landlord is clearly liable for providing illegal accommodations.

The answer may lie in the politics that provide the backdrop of the ongoing relations between University students and the permanent residents of the University Heights area. As the student community has steadily expanded, so has the conflict of interests between students and local residents regarding neighborhood living style. The gripes of the residents concerning noise and litter have often been voiced to the University District Councilwoman Rosemarie LoTempio, who is perceived by many students to side with the residents in implementing corrective policy for the area. LoTempio has publicly proclaimed that this enforcement is necessary for the safety of all residents of the area. However, the seizure of student tenants tastes of harassment by the city, which may

wish to appear on the side of the permanent residents in their continual effort to protect neighborhood interests.

Even if a justification can be found for such treatment of the students rather than of the landlords who provide such conditions, we must still question the severity of this treatment given the nature of the violation charged. Although a seizure and search in such a case as Tom's may suggest a violation of a constitutional right to due process, we may ask more narrowly, whether such police procedures are necessary for the city to enforce housing standards.

In the days that followed the undercover discovery of Tom McNulty's "attic occupancy," no notice had been issued to him by the city requesting that the condition be rectified. This lack of notice is also indicative of a criminal investigation in which "the People" seek to catch the perpetrator "in the act." When asked what he would have done had he received notice of his violation, Tom stated, "I would

have moved downstairs, there are plenty of rooms downstairs." When asked why he chose to live in the attic room, he responded, "Because it is the nicest room in the house."

## How Much Is Enough

After the undercover investigation, the Buffalo police surely had ample evidence to issue an appearance ticket for a housing violation without requiring actual seizure from the illicitly occupied space as conclusive proof of such a violation. The ticket could have simply been served at the Minnesota Avenue house during the day, thereby neatly concluding the investigation. However, the city chose to subject an area student to a frightful early morning search and seizure. This raises the important question of how those in the position to implement city policy order their priorities.

Although the message may have been relayed that the city intends to seriously enforce its safety standards, Tom and the

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## Commentary Double Standards & Political Propaganda

by Randy Donatelli

For a law school that prides itself on being free-thinking and intellectually tolerant, U/B Law sure seems to be falling far short of its self-proclaimed model. Again, I feel it is imperative to discuss the double standard that currently reigns over the ideologies within the Law School. The familiar theme can be called, for lack of a better label, Censorship by the Left.

In the classroom, I have all too often heard the booing and hissing of a student who expresses a point of view not acceptable to the school's dominant and prevailing ideology. Ridicule by fellow students is bad enough, but when professors openly ridicule a student the school's intellectual integrity is greatly compromised. I refuse to mention particular professors, but let me say that they are a disgrace to a profession whose very foundation is encouragement of the unimpaird exchange of ideas.

Given this deplorable state of affairs, it is hardly surprising that a number of the school's brighter students rarely participate in classroom discussion, especially in those classes taught by alleged "free thinkers".

Am I correct in assuming that all students and faculty hope to provide an unrestricted intellectual atmosphere, one in which both the Left and Right will listen to each other and respect the other's views, or is the reality that the majority truly cannot tolerate any challenge to its "absolutely correct" opinions?

Just the other day, I was appalled when I heard that signs advertising a meeting for a new student group were actually set ablaze while still hanging on the walls. Members of this new society (which bills

itself as being a haven for conservative and libertarian law students) have been openly ridiculed and verbally abused with the usual all-purpose accusation that such societies are "fascist". Perhaps this conduct is not surprising in light of an examination of the roster of student organizations sanctioned by this Law School. It can be argued that, except for one notable apolitical student organization, all current student groups exist, to one degree or another, to propagandize certain political and social beliefs. There is absolutely nothing wrong with a student group existing for this purpose. Similarly, it is equally admirable for a student group to refuse to endorse or provide forums for the airing of political and social points of view. A society of non-liberal law students is perceived by many as a threat to the ideological harmony of the student body. With respect to this new society of conservative and libertarian law students, only time will tell how tolerant this allegedly liberal student body and faculty really is. Continued slander and ridicule of such alternative student organizations will only reinforce the stereotype of the double standard that characterizes intellectual thought in our school.

It is undoubtedly true that if Judge Bazelon were to speak at the Law School he would be given the undivided attention of all the students and faculty, and would be applauded by all at the end of his address. Chief Justice Burger probably would not receive similar treatment; in fact, I question whether he would be allowed through the front door.

Is this law school equal to the challenge of tolerating intellectual freedom, for all of its students? Clearly, the jury is still out on this question.

## Meanderings

## In Urgent Need of Therapy

by Andy H. Viets

It has come to my attention as of late that there are a number of issues affecting the state of the Law School which are being discussed at great length within these hallowed halls. Naturally, I therefore find it necessary to offer my own salient comments on these and other matters.

1) **Undergraduates** (whether they be found in our classrooms, our library, or our parking lot): Some approach this subject in a compromising manner, saying that it's not the fault of an undergraduate that he or she is such and that we should remember that just a few years ago we were in a similar state of existence. Others want nothing less than death by torture for these invaders from within (after a fifth trip around the parking lot in a futile search for an empty space I must admit that I have felt equally pernicious thoughts). All of this is meaningless, however, in light of a considerably more relevant question—If there are undergraduate students and there are graduate students, then are there also overgraduate students? If so, where are they going to park their cars after they're banished to the Amherst Campus?

2) **Work-Study Funding Reductions:** Everyone seems to be in agreement that this is a bad thing. Since I don't receive any such monetary assistance, though, I'll go on to more important problems.

3) **The Coffee Machine on the Second Floor:** I appreciate

the machine's attempt to get me to kick my caffeine habit, but the situation is getting a bit out of hand. My estimate is that the beast eats one out of every four quarters I put into it. This recurrent failure of the machine to dispense my coffee is particularly disastrous on Friday and Saturday mornings just before my Estate Planning class begins. If I'm willing to get up for an 8:30 class, the least this place can do is to make sure that the goddamned coffee machine works. Actually, the least this place should do for anyone willing to take an 8:30 class on a Friday and Saturday morning is to have a pot of coffee waiting for him or her at the front door.

4) **The Finals Schedule:** With respect to this issue, I have only one comment for Schlegel and Co.—I have to be in California by May 28 so you best have the situation cleared up well before then, because I ain't stayin'.

5) **Grades:** The problem of how long it takes professors to get their grades out really only affects two categories of people—those in danger of getting D's and those in danger of getting H's. For the rest of us, it's just a matter of awaiting the confirmation of our mediocrity. It is a bit difficult, though, to comprehend exactly why the process takes as long as it does. How hard can it be to pick out the five to ten best papers and give them H's, pick out the worst three or four and give them D's, and then give Q's to the remaining eighty or so? In my case it's even easier—just give me my

Q and post the damned thing.

6) **The "Socratic" Method:** There has been an increased propensity on the part of my professors lately to call on me in class when I have not raised my hand. I have a question about this—why me? There is not one legitimate reason for picking me out, but there are two good reasons for allowing me to remain anonymous— a) I'm just a shy, quiet guy who doesn't like the rough and tumble atmosphere of the classroom; b) I don't know anything.

7) **The Response I Get to My Columns:** I have noticed that when I'm put on page three a large number of people comment on what I have written, but when I am bumped to page four the feedback I receive is rather limited. This could mean that no one reads past page three of *The Opinion*. It could also mean that I deserved to be bumped to page four and your silence is indicative of that. Personally, I believe that I should be on page one of every issue, but the rest of the editorial staff of this newspaper is not in concurrence.

8) **Myself:** I have a friend named Tom who, before becoming a student of the law, was a psychology major at Geneseo State College. It is his belief that I am in desperate need of years of therapy. He also offers the following advice, with which I would like to close—"There is no sense in buying a box of Captain Crunch cereal if it isn't the kind that comes with Crunchberries."



# NON-SENIORS

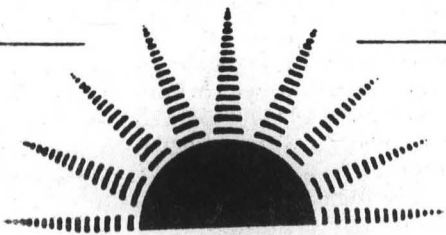
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# LAW SCHOOL MADNESS!

EDITOR'S NOTE: Due to popular demand (two or three compliments came pouring in) and a steady supply, we are again presenting the Best and/or Worst of the odds and ends that people submit to us.

## Yet Another SBA Resolution

EDITOR'S NOTE: The following was submitted on SBA letterhead.

State University of New York at Buffalo, Student Bar Association

SPECIAL RESOLUTION Opposing Patronizing Politicians:

WHEREAS State University of New York at Buffalo, School of Law and Faculprudence has achieved great gains in making this a Marxist regime; and

WHEREAS capitalist society is inevitably doomed to failure through the interaction of dichotomous forces; and

WHEREAS the New York Stock Exchange, the American Stock Exchange, and the Over-the-Counter Stock Exchange have enabled Americans to cushion their bank accounts through capitalist measures; and

WHEREAS it is presently raining in Cairo; and

WHEREAS the interaction of capitalist forces has caused the entire industrial infrastructure of the United States of America, and the City of Buffalo, to crumble; and

WHEREAS in the upcoming 1984 presidential election, the United States populace will merely be choosing between one rich capitalist and another; and

WHEREAS social relevance is inversely related to karma; and

WHEREAS people don't care;

THEREFORE BE IT RESOLVED that the State University of New York at Buffalo, Student Bar Association of the School of Law and Faculprudence opposes capitalism, because of its inevitable failure, the New York Stock Exchange, the American Stock Exchange, the Over-the-Counter Stock Exchange, rain, the American democratic electoral system, social relevance, apathy, and patronizing politicians (Who do they work for?) and supports Martini Reality.

This is not intended to be a political statement.

EDITOR'S NOTE: The Opinion extends congratulations to Mr. Bozer on his promotion to Staff Member with the publication of this his third article. Now maybe he'll tell us what his third article is about.

by Alan J. Bozer

The shallow waters prevent the boat to SriLanka from docking in Rameswaram. Instead, travellers must ferry out to it in small, open boats, often accompanied by cars resting on planks over their heads. Blue skies and a tropical sun, the screams of children ashore begging stamps from far-away lands. On board the ferry, a small library stores Wodehouse, with stories of Jeeves and a lifestyle far removed.

Our correspondent on the shores of Tamil Nadu has recently informed us that the ancient Anglo right of usufruct has survived the controversial land law reforms of that area. S. Venkatachalam, author of *Lease of Usufruct and Cultivating Tenant*, 148 Madras L.J. 24 (1975), tells the tale of profits and avails. The current

confusion arises in the context of tope, that peculiar produce of the subcontinent. The question, as the author so eloquently points out, is whether "the object of taking the tope is only to enjoy the usufructs and nothing more." 148 Madras L.J. at 25. Lease or license, ponders our learned colleague, and that is a question asked by innumerable generations stretching back to the misty shores of Cornwallshire. In Kentshire they call it usufructkinnder.

We look forward, from our lofty scholarly vantage in the Amherst swamps, to the resolution of this matter. Its import is clear: should "a lessee in respect of cashewnut . . . be certainly a person engaged in 'cultivation' . . . then many tomes on topes must be tossed." Years from now, readers on the Sri Lanka ferry will look back to these times and wonder.

Vedge's Law

I'M NOT GOING TO ANSWER THAT QUESTION. WHO CAN ANSWER THE QUESTION THAT MS. NARCISSA HAS POSED? - YES, MR. SNAPPER?



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Poetry Corner

by Victor D'Angelo

Law Review

Law Review, Law Review,  
I worked so hard for you,  
but you only took a chosen few.  
Every day,  
I drove all the way,  
to the Hofstra Law Library.  
I mailed it on time,  
and I didn't mind,  
that I waited all summer to hear.  
But you finally said no,  
And I couldn't go,  
to the wine and cheese reception.



## New Waves North of the Border

by Jud Weiksnar

Buffalo bar culture goes by its own time standards. Nobody goes out until 10 p.m. The cool people are hitting the bars by midnight, and prime time arrives between 1 and 2 a.m. Last call comes about 3:45, and you're on the road by 4.

If you venture north to Toronto, be prepared for a new set of standards. Bars stop serving alcohol at 1 a.m., which pushes everything back a couple hours. It's acceptable to be at a bar at 9 p.m. Bands are already into their final set by 11 or 12, about the time Buffalo bands are tuning up.

What goes on in Toronto at 1 a.m.? Unlike Buffalo, where last call means Mighty Taco time, Toronto nightlife gets its second wind when the alcohol stops flowing. It's time to head for the after hours clubs.

After hours clubs have a somewhat seedy reputation in Buffalo. Known for gambling, prostitution, and heavy drug action, they are the subjects of frequent police raids. "After hours" has a whole different connotation in Toronto. After hours means dancing.

Two of the current hot spots in Toronto are The Domino Klub at Yonge and Dundas, and The Twilight Zone near the corner of University and Richmond. New Wave fashion rules supreme at these clubs. Dancers are fed a steady diet of electro pop, funk, and new music—anything with a dance beat.

After the 1 o'clock last call, the center of activity at the Domino shifts from the small bar area to the dance floor. Why sit around paying \$1.25 for an orange juice when there is serious dancing to be had? Although you can see some preppies and blue jeans in the

crowd, most of the clientele sports the latest in New Wave or Goodwill fashion. The more outrageous you are, the more you blend in. You can spot the tourists not so much by their outfits, but by their pocket Instamatics.

The Twilight Zone has no last call, since it has no liquor license. This club, on the second floor of an old warehouse, doesn't open until midnight and doesn't close until 8 a.m. The place is packed with hundreds of people the first few hours, and at dawn a good number of them are still there dancing away. Don't ask me how many make it out the door at 8.

The Twilight Zone features a huge dance area and video screens showing everything from Betty Boop to "Car 54 Where Are You?" It also offers coed washrooms, an occasional fashion show, break dancers, and a great view of the CN Tower from the fire escape.

There's a lot to be said for the after hours Canadian alternative. The early last call eliminates the obnoxious drunk element that proliferates in so many American bars during the early morning hours. With no alcohol consumption, there's virtually no wait at the washrooms. And since most people are dancing instead of sitting around, you're not engulfed in cigarette smoke.

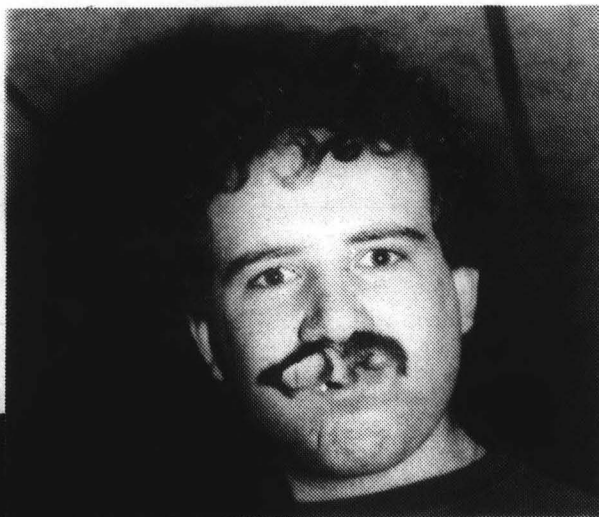
These places don't make money at the bar, so they get you at the door. The cover charge is \$3 at Domino's, \$8 at Twilight Zone. With the Canadian exchange at between 20-25 percent however, that's not totally out of line. If you can live without alcohol, the only real disadvantage of these clubs is that they're 90 miles away.

WHY THE HELL CAN'T YOU  
ANSWER A SIMPLE QUESTION?!  
YOU DON'T KNOW WHAT YOU'RE  
TALKING ABOUT, NOBODY KNOWS  
WHAT YOU'RE SAYING, YOU'RE  
UGLY, & I HOPE YOU DIE!!!

CAN ANYONE  
RESPOND TO MR. SNAPPER'S  
STATEMENT?

FALK

TOO MANY DAYS DOWN. . .  
EIGHTY-FOUR TO GO!!



Photos by  
Kathy O'Hara



# U/B Hosts Seminar On Adversarial Ethics

continued from page 1

## Establishing Client Trust

Professor Freedman stated, "The most important issue is confidentiality because it goes through the heart of the attorney-client relationship. One of the first duties of the lawyer is to establish a relationship of trust and confidence with the client in order to be able to sort out the facts. If the client withholds information, the lawyer can't represent him/her properly under the Sixth Amendment (the right to counsel)."

According to Freedman, because our society is so complex and because rules, no matter how fundamental, are ambiguous, not even an informed individual can serve his/her best interests without professional assistance. Since it is important for lawyers to discourage their clients from wrongful conduct and to give them the best advice, the relationship of trust and confidence between the attorney and client is essential.

This confidentiality and trust can be traced back to the adoption of the Canons of Professional Ethics by the ABA in 1908. Although they were strengthened in the 1928 and 1937 amendments, the Canons still contain inconsistencies. In 1969, the ABA promulgated the Model Rules of Professional Conduct, which are enforced in most jurisdictions in some form. However, Disciplinary Rule 7-102(B)(1) provides that a lawyer must

urge his/her client to rectify any fraud committed upon the court or a third person, and if the client does not, the lawyer must reveal such fraud.

Freedman pointed out that this DR, also known as the "blowing the whistle" clause, is inconsistent with Canon 4, "A Lawyer Should Preserve the Confidence and Secrets of a Client," since a lawyer cannot hear all that the client must tell him/her for effective counseling, keep the confidence and trust of the client, and tell the court of any improprieties on the part of the client.

In order to correct this problem, the ABA House of Delegates in 1974 added the phrase, "except where it is a privileged communication." A year later this was defined as including secrets and anything that would embarrass the client. These later amendments effectively changed the whole meaning of the provision.

The New York State Bar Association, in "The Lawyer's Code of Professional Responsibility," further broadens this exception because it refers to secrets or confidences. It thereby shows no obligation on the part of the attorney to reveal any such fraud, said Freedman, and threatens the attorney with disbarment if there is a breach of confidence.

The inconsistencies in codes of professional conduct

among the several jurisdictions are further exemplified by the District of Columbia's code, which dropped the remainder of the phrase starting with "and if" so that the attorney is under no obligation whatsoever to reveal any fraud committed by the client other than urging the client to rectify it.

"This problem is serious," emphasized Freeman. "It will affect your careers by disbarment or malpractice suits. There are too many inconsistencies. If your client commits perjury, you must maintain the confidence of the client even though you are also an officer of the court and owe it candor, honesty and frankness."

***"If your client commits perjury, you must maintain the confidence of the client even though you are also an officer of the court and owe it candor, honesty and frankness."***

## Developing Intentional Ignorance

From this, Freedman established two possible models of the attorney-client relationship. One is the traditional model of confidence and trust. The alternative is the selective, or "intentionally ignorant," attorney model that tells the client he/she should withhold certain information that otherwise must be reveal-

ed to the court. "It throws the burden on the client to distinguish between the relevant and irrelevant, the important and unimportant, the incriminating and nonincriminating," Freedman averred. Accordingly, the ABA has denounced the second role because it puts the burden on the client rather than on the attorney, whose job it is to sort out such information. However, Freedman stated that under the ABA Model Code, the attorney would be required to reveal fraud by the client unless he/she utilized a lawyer-client *Miranda* warning to the client to deter him/her from revealing incriminating evidence. This would impede the trust and confidence of the

which provide for no deprivation of life, liberty or property without due process of law. To allow the attorney to reveal incriminating evidence about the client would effectively convict the client before the trial.

## Overseeing Prosecutorial Conduct

Professor Freedman ended his presentation with the discussion of another important problem that the ABA rules fail to amend: the absence of disciplinary rules for prosecutorial conduct, "one of the worst abuses," according to Freedman. "There is practically no disciplinary action for prosecutorial misconduct, just a reversal of the criminal's conviction by the disciplinary board."

Prosecutors serve dual roles: in the interest of justice (not just to convict) and as an adversary, said Freedman. They are in a special position with enormous powers and discretion under the color of law; they have no clients; the rules relating to prosecutors are wholly inadequate. Because there are not enough rules on ethics for prosecutors to follow, there is too much reign and not enough discipline.

Following Professor Freedman's presentation, a panel of Western New York attorneys added to the discussion by presenting their viewpoints on the merits of the ABA Model Rules of Professional Conduct.

## Student Bar Association

### Position Available for

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should contact  
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## The SBA phone bills

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**The Finance Committee**

# Advocates on Ice Triumph

Once again, the official Law School hockey team, Advocates on Ice, has skated to a victory. By a score of 3-1, Capt. Al Bozer's heroes showed the backs of their blades to a motley group of undergraduates, the Ice Pickles. "After they trashed our vending area, occupied our carrels, and scrawled graffiti on our bathroom walls (covering up our own), we thought we'd better teach them a lesson," said Capt. Al.

Indeed, it appeared to this reporter that the Advocates were never better prepared for a game than they were for this one. Playing to an almost SRO crowd, our legal representatives hustled up and down the ice. "We had moral victories last year," said stalwart defenseman Adam ("Nice Guy") Wekstein, "but here at law school we've since learned what they're worth." Others echoed the same ferocious will to win. "Morality is for the

birds," right winger Bob ("Shoot it!") Spagentahl said. "I competed in the Desmond."

The three goals were scored by Jim Navaugh, Brian ("Gosh") Dennis, and rookie sensation Lee ("Lighten up, Francis") Smith. Only one goal got by the defense, and that one on the power play. "Superb defense," said goalie Sterling Nets Grue. "And this time even Ira Hecht came back from the red line." Center Ira Hecht assisted on two goals as well.

# Research and Writing Classes Commended, Criticized

continued from page 1

energies to their Research and Writing classes.

The *Opinion* has learned that some instructors have not

scheduled formal classes for a large portion of the semester. Also, instead of handing back individualized comments on student memos, one instructor handed out a general comment consisting of one paragraph of common criticisms applicable to all of the students in his section. In the words of one student in this class, "I don't think clinical instructors are as good as TA's."

When asked to comment on the situation, Olsen stressed that the "second semester of Research and Writing has never been a classroom experience" and he added that the way to teach good writing is through general comments. He noted that TA's in the past often concentrated too heavily on the student's grammar and sentence structure.

Olsen further noted that the

spring semester does not necessarily call for formal classes, but instead concentrates on "small group meetings, individual supervision and free time to undertake and successfully complete the demanding research assignments."

Olsen insisted, "Particularly in light of the fact that this is their first attempt to teach the material, the six clinical instructors are providing exemplary skills training for the first-year students."

A third reason was cited by one former TA, who asked not to be identified, for having students teach both semesters of Research and Writing. "It's unfortunate in a school where there is so little direct funding to law students, that the clinic decides to augment staff salary by taking away money from students," she asserted.

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Anyone with questions should contact Tracey Kassman.

**The BAR/BRI course, in preparation for the March 16th MPRE examination, will be offered twice:**

Sunday, March 11, 12:00 — 6:00 pm  
and

Wednesday, March 14, 5:00 — 11:00 pm

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# U/B Law Alumni Magazine Underway Gay Law Students Org

by Martha Beach

Associate Dean and Career Development Office Director Alan Carrel has been thinking about increasing placement opportunities for U/B Law Students. He has also been thinking about fundraising. One of the solutions he's come up with is an alumni magazine.

Called *SUNY U/Buffalo Law Forum*, the magazine will be issued semi-annually. The main purpose of the *Law Forum* is to keep alumni involved with the Law School. Carrel believes that by maintaining close ties with alumni, fundraising and placement opportunities will improve.

According to Carrel, if alumni stay in touch with the Law School, they are more apt to make contributions to it. One problem with fundraising now occurs with alumni who don't live in Buffalo. These alumni never hear from the Law School except to receive an occasional letter asking for money. Carrel believes that a publication which keeps alumni up to date on current Law School affairs will make those receiving it more sensitive to the needs of U/B Law.

As for placement opportunities, Carrel says that

he will use the *Law Forum* to urge alumni to hire U/B graduates first. Small and medium-sized firms are the primary targets of this push; unlike larger firms, these firms don't make a business out of hiring, but hire only when the need arises. By keeping the lines of communication open, Carrel hopes that these small and medium-sized employers will turn to U/B first when searching for new associates.

Part of *Law Forum* will be devoted to law students as well. The magazine will focus

on student activities such as moot court, commencement, and the activities of various student organizations. Carrel asserts that alumni are impressed by student participation in extracurricular activities. He points out that many of the alumni will have once participated in the organizations being featured, and will derive a sense of involvement from reading about them.

*Law Forum* also plans to focus on the faculty and alumni of U/B Law. It will

highlight faculty members' professional activities outside of teaching and any new classes being offered.

Funding for the magazine will come from the U/B Law School Alumni Association and from the proceeds of fundraising. Carrel hopes to see the first issue of *Law Forum* published by late June. According to Carrel, any good school should maintain ties with its alumni, and a magazine such as the one planned at U/B is long overdue.

## Gay Law Students Org

by Joan Waisala

GLSO is open to all law students who share a belief in civil rights for all persons, regardless of sexual preference or orientation. This past semester, GLSO staffed a table at Orientation and held an Open House for new members. In October, we assisted the graduate and medical students in forming their own gay organizations on campus. Mayor Griffin's derogatory comments about the Buffalo gay community resulted in GLSO co-sponsoring a panel discussion on police harassment which was attended by over one hundred persons and covered by two major networks on television. In November, SUNYAB was the only law school represented at a meeting with the Governor's aide concerning the Executive Order issued prohibiting discrimination against lesbians and gay men by state agencies.

This term GLSO is participating in a discussion with local judges concerning the legal problems faced by the Buffalo gay community. We are also meeting with the city's Human Rights Commissioner to work on a non-discrimination ordinance for Buffalo. Future plans include having attorney William Gardner speak on his recent Supreme Court case involving gay rights: *N.Y. v. Uplinger*. GLSO will be participating in the SUNY Gay Conference to be held at our campus this March by providing speakers and workshop leaders. In addition to the special events mentioned, GLSO co-sponsors a coffeehouse every Friday night on the Main Street Campus. Information on all events is posted in our office in 118 O'Brien.

## Practice Perspectives. . .

continued from page 3

training for both the new associate and veteran lawyer in new areas of the law, and "instant gratification" achieved in personally handling a case from intake through resolution.

"There is always present that entrepreneurial component," claimed Gordon. "If you can attract the clients, you can break the bank."

### Going Solo

Gary S. Bittner, Attorney at Law, who spoke last on the February 22 agenda, is a solo general practitioner in Buffalo. Bittner was first employed at

the Buffalo Legal Aid Society upon graduation from law school, but decided to start his own practice because it offered many advantages. "If you like variety, and like the idea of being answerable to yourself and of deciding solely how to approach a client," then going solo may be for you, advised Bittner.

Bittner shares office space, rent, secretarial staff, a copier machine and a library, with two other attorneys, but "most importantly, we share ideas." The sole practitioner is at a disadvantage in today's highly

competitive and specialized legal market, stresses Bittner, and must actively "network" and market his/her skills in the community. There will be those "paycheck-less weeks" both at the start up of your practice and in between clients.

"You trade off on security when you take the risk [of going solo]," asserted Bittner. "But if you are self-competent and independent, aren't afraid to dig into the law, are a quick learner, and can deal with crises quickly and with pressure well, then going out on your own is ideal."

### Poetry

by Victor J. D'Angelo

#### Raids at Dawn

There's a knock at my door,  
Go away, Go away, let me  
sleep a little more.  
Your crime is of the most  
heinous,  
Open up, Open up,  
it's Buffalo's finest.  
Rosy says bring them  
all downtown,  
If they give you any lip,  
knock them to the ground.  
Oh, the 4th Amendment  
is here to say,  
They need Probable Cause  
to come in and get me,  
anyway.  
Buffalo, Buffalo,  
what are you to do,  
Like Bethlehem Steel,  
Liberty has also run away  
from you.

## Raids. . .

continued from page 4

other students who were similarly treated cannot help feeling that they have been abused, for their individual violations could have easily been enforced in a peaceable manner. One is hard pressed to rationalize the personal anguish that these students have undergone on behalf of the city's declaration of commitment to the safety standards embodied in their housing codes.

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# U.S. Broadcast Journalists Lacked Objectivity

by Eric Turkewitz

With the onset of the XIV Olympic Games, it was imperative to find a suitable means of communication to link up Sarajevo, Yugoslavia with my living room. With only a battered late 60's black and white idiot box to watch, my roommate and I committed \$20 for the two week rental of a 19-inch color television. This was done in order to satiate our normally infinitesimal television cravings, which had grown exponentially with the pending Olympics. Herewith are some random thoughts on the Olympic broadcast, the athletes, and the games themselves.

Despite the hailing of Rooney Arledge as the dean of broadcast sports, he did a pathetic job with the focus of the ABC-

TV sports journalists. I didn't need ABC cheerleaders in order for me to whoop and holler for the United States team. This I can do on my own. And while it is true that Dick Button is the epitome of Olympic figure skating, and I couldn't tell a double axle from a flying camel without him, I didn't need him and his colleagues constantly extolling the endless virtues and greatness of American athletes. What was needed was at least some pretense of objectivity. The broadcasts would have been more informative and exciting if they had allowed the natural drama of an Olympics to unfold on its own. Thus, when the U.S. hockey team did not live up to the dreams of the press and did not fare favorably in the endless 1980 comparisons, the

ABC focus should have naturally shifted to the Canadians fighting their way to the medal round. Journalistic focus should be on the competitors, not which country is winning more medals.

The broadcast "journalism" of local announcer Clip Smith did not help my Olympic viewing either. He had the brilliance to announce the U.S. medal in pairs figure skating in the middle of the competition on a local news brief. He was promptly flooded by angry calls.

There was a bright spot to the Olympic coverage. Howard Cosell was not there.

## Athletes' Attitudes

The journalists did manage to capture and convey the Olympic attitudes of the wide spectrum of athletes attending the games. On one extreme was Rosalyn Sumners, U.S. figure skating silver medalist. Along with her skates, she brought her parents, siblings, boyfriend, two coaches, and a sports psychologist in her pursuit of Olympic gold and a fat professional contract. Despite my staunch patriotism, I somehow did not feel too sorry that she didn't win the gold.

On the other side of the spectrum was the entire Puerto Rican team. One man and his luge. He came in dead last. While it is true that the Olym-

nics seek to find individuals who can be faster, stronger and better than anyone before them, it also emphasizes the friendly competitive spirit among athletes of different nations. It is better to compete and come in last than not to compete at all. To all those athletes with no medal expectations, there is no thrill of victory, only the more important thrill of competition.

Then there are the athletes who had legitimate medal hopes who still found the biggest thrill to be competition, with winning secondary. Peter Caruthers, skating with his sister in pairs figure skating before a boisterous pro-American crowd at the Zetra Arena, said of the wild cheering, "To heck with the marks, we just came over to hear that."

Finally, the events themselves leave me wondering about the sanity of the human race. Who is crazier: the luger, the bobsledder, the ski jumper, or the downhill racer? One kamikaze after another appeared on my screen, ready to defy death in pursuit of glory. At least the cross-country skiers kept their feet on the ground, as did the figure skaters for the most part. (I still don't know why skaters don't get sick from all that spinning around.)

## Crazy Lugers

After extensively viewing these events, normally seen only on Wide World of Sports, I've determined that lugers are the craziest of the lot. Now I liked my trusty Flexible Flyer as much as the next kid, and I would never criticize an individual for playing a kid's game before millions of viewers—(that would be jealousy)—but hurtling down a tube of ice at seventy miles per hour is *meshugenah*. These folks must have flown off their sleds as little tykes and hit a tree head on, and they've been trying to regain that old form ever since.

To compete in the Winter Olympics, one must devote thousands of hours to practice skating, fly record distances through the air on wide skis, run exhaustively through the snow on skinny skis, or try to propel one's body down a sheet of ice at foolishly incredible speeds. The serenity and security of a legal career is clearly and logically a preferable way to spend one's life. Nevertheless, and contrary to all the logic I've learned, despite the egos and ruthless competitiveness of some athletes, and despite all the problems inherent in any Olympic games, I would give anything to be able to compete in them. Even if the only way was on a luge. I'd just drag my feet.

## On Olympics Hype, Heroes, and Hockey

by Joseph Galvano

The Olympics have come and gone but the miracle never arrived. Thanks to the American Olympic Committee and ABC, the American public was lead to believe that the U.S. Hockey Team would repeat its 1980 performance. Indeed, due to all the pre-Olympic hype, the public believed it was the team's manifest destiny to defeat the godless, red slav horde in a holy war for Christendom and Coca-Cola. Our boys represented everything clean and pure in Ronald Reagan's America. They were "America's Team" and were invited to endorse everything from coffee to kitty litter.

As the Olympics approached, the pressure on the hockey team increased. Constant reminders of the 1980 games were thrust upon both the players and the public. Comparisons between the teams were, of course, inevitable. The public was told that this team was faster, stronger, and shot better. If the 1980 team had the element of surprise in its favor, then this team had talent on its side.

Although ABC portrayed the team as the Second Coming, someone forgot to tell them that they were invincible. Their pathetic performance against Canada emphasized their age and inexperience. The key line of LaFontaine, Olczyk, and Jensen—nicknamed the "Diaper Line"—averaged a mere 18 years. Yet, despite their shortcomings, they were expected to compete against the cream of international hockey and win the gold medal.

ABC bombarded the public with reminders of the 1980 "Miracle On Ice" in order to increase viewing interest. This strategy obviously backfired when the team collapsed so quickly. With nothing to use to fill the void left by the foundering hockey team, the network lost viewers who preferred to watch sit-coms instead of such esoteric sports as lugging.

Although this writer is tempted to smile at the misfortune

of the Madison Avenue Hypsters, I cannot help but feel sad for the individual athletes. So often the artist or player must suffer from the over-commercialization of an event. In the case of the hockey team, their downfall began when the medals were placed around the necks of their 1980 predecessors. The novelty was gone and everyone was ready for them. The Canadians and Czechs knew better than to take them lightly and, most of all, the American public expected them to win.

The Olympic Committee did its best to hype the team, but it succumbed to a bad case of nerves prior to the start of the games. Fearful of losing the key opening game to Canada, they protested the eligibility of several members of the Canadian team, claiming that they had signed pro contracts and were therefore ineligible. The Canadians responded that the players, having appeared in fewer than 10 NHL games, retained their amateur status. The International Olympic Committee ruled against Canada and disqualified two players. Rather than disheartening the Canadians, this move seemed to give them a boost. They played with spirit and confidence. The Americans, on the other hand, seemed tentative, fearful of making a mistake.

After the collapse, the inevitable finger-pointing began. The most likely candidate for blame was the coach, Lou Vairo. He, like the rest of the team, suffered from comparisons with the 1980 squad. Vairo obviously was no Herb Brooks, it was said. He couldn't even get the team into the medal round. In reality, there was no individual who could be blamed. The team was a victim of media hype and not a lack of talent. Many of its members will undoubtedly enjoy excellent NHL careers. However, thanks to the Madison Avenue Hypsters, they will always carry the stigma of being the team that lost the gold medal that should have been won.

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